

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

IN RE LOESTRIN 24 FE ANTITRUST  
LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL No. 2472

Master File No. 1:13-md-2472-S-PAS

**INTERIM CASE MANAGEMENT ORDER NUMBER 6**

The parties submitted a Proposed Interim Case Management Order No. 6, on January 12, 2017 (ECF No. 243), setting forth the following schedule, save three issues upon which the parties could not agree. Having considered the parties' positions where they differed, the Court ORDERS the following:

Event	Date
Oral argument on motions to dismiss.	January 13, 2017
Deadline to respond to Plaintiffs' requests for production.	January 13, 2017
Deadline to reach agreement on search terms and custodians.	January 13, 2017 <sup>1</sup>
Initial rolling productions to begin by all parties. <sup>2</sup>	April 27, 2017
Deadline for the Warner and Watson Defendants to substantially complete production from five Key Personnel.	June 29, 2017
Defendants respond to plaintiffs' earlier interrogatories.	June 29, 2017
Parties certify that production of documents responsive to initial discovery requests is substantially complete.	August 17, 2017
Deadline to serve interrogatories.	September 14, 2017

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<sup>1</sup> Agreement on search terms and custodians is subject to the motion to compel Defendants will file on or before January 13, 2017, the pending letters submitted to Magistrate Judge Sullivan on January 6, 2017, resolution of questions set forth in Defendants' November 16, 2016, letter to Plaintiff Rochester Drug Co-Operative, Inc., and the Court's order on Lupin's request to limit the scope of discovery.

<sup>2</sup> With the understanding that some documents already have been, must be, or may be, produced earlier. *E.g.*, per Case Management Order No. 5.

Deadline to exchange privilege logs. <sup>3</sup>	September 21, 2017
Deadline to amend pleadings or to add parties, claims, or defenses, except upon a showing of good cause.	September 21, 2017
Deadline to serve requests for production of documents, interrogatories, and requests for admissions on the amended pleadings.	September 28, 2017
Deadline for filing discovery-related motions ( <i>e.g.</i> , motions to compel, motions regarding privilege logs). <sup>4</sup>	October 19, 2017
Fact discovery closes. <sup>5</sup>	December 21, 2017
Deadline for Plaintiffs to move for class certification and serve supporting expert reports. <sup>6</sup>	December 21, 2017
Deadline for Defendants to oppose class certification, serve supporting expert reports, and file any <i>Daubert</i> motions relating to Plaintiffs' class certification experts.	February 13, 2018
Deadline for Plaintiffs to file replies in support of class certification, serve rebuttal class certification expert reports, and file any <i>Daubert</i> motions relating to Defendants' class certification experts.	March 26, 2018
Deadline to depose class certification experts. Any expert submitting a second report (a reply) may be subject to a second deposition, not to exceed 4 hours.	April 4, 2018
Hearing on class certification.	April 2018
Parties serve expert reports on merits issues on which they have the burden of proof.	April 5, 2018

<sup>3</sup> After the initial privilege log, privilege logs for any subsequent production shall be produced not more than 30 days after the production.

<sup>4</sup> Discovery motions may be filed before this date, but may only be filed after this date to address issues arising after the deadline or for good cause shown.

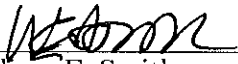
<sup>5</sup> All discovery requests must be served to be answerable by this date, except for requests for admissions, which may be served up to 45 days before Rule 56 and *Daubert* motions are filed.

<sup>6</sup> For all expert reports, the parties will provide three available dates for the deposition of the proposed expert at the time of serving the report. The parties will work to make experts available during the time period preferred by the opposing party (*e.g.*, sufficiently in advance of an opposition brief or responsive expert report). The parties will cooperatively try to schedule class certification-related depositions well before the end of discovery.

Parties serve responsive expert reports on merits issues.	May 31, 2018
Parties serve rebuttal merits expert reports.	July 10, 2018
Deadline to confer with the Court regarding the filing of Rule 56 motions.	July 19, 2018
Deadline to complete expert discovery. Each expert may be deposed once; plaintiffs will work to make experts available during the time-period preferred by the opposing party.	July 31, 2018
Deadline to file Rule 56 motions, as permitted by the Court (including Statements of Undisputed Facts as required by LR Cv 56), and <i>Daubert</i> motions.	August 16, 2018
Deadline to file Rule 56 oppositions, as permitted by the Court, and <i>Daubert</i> oppositions (including responses to Statements of Undisputed Facts and/or separate Statements of Undisputed Facts as required by LR Cv 56).	September 27, 2018
Deadline to file Rule 56 replies, as permitted by the Court, and <i>Daubert</i> replies (including any responses to any Statement of Undisputed Facts filed with an opposition as required by LR Cv 56).	October 29, 2018
Hearing on Rule 56 and <i>Daubert</i> motions.	November 2018
Parties exchange Rule 26(a)(3) disclosures and preliminary trial memoranda.	January 4, 2018
Parties exchange objections and counter-designations to Rule 26(a)(3) disclosures.	January 18, 2019
Parties exchange objections to counter-designations.	January 24, 2019
Parties file motions <i>in limine</i> .	January 31, 2019
Parties file oppositions to motions <i>in limine</i> .	February 14, 2019

Parties file proposed <i>voir dire</i> questions, full and complete jury instructions, jury verdict form (with special interrogatories, if any are being requested), a list of all exhibits intended to be offered at the trial with statements of the purpose for which the exhibit is offered (premarked by the plaintiff in numerical order and premarked by the defendant in alphabetical order), final bound exhibits (original and two copies), revised 26(a)(3)/Final Pretrial Order materials, a list of all witnesses expected to testify with a brief summary of each witness's testimony and a statement as to whether that witness will testify as an expert, and Final Trial Memoranda.	February 19, 2019
In-person attorneys' conference in Providence, RI to address whether any issues may be narrowed before trial.	February 21, 2019
Draft of Final Pretrial Order exchanged.	February 25, 2019
Submission of Pretrial Memorandum, which shall contain the following information: <ol style="list-style-type: none"> <li>1. (a) Plaintiff will set forth what is expected to be proven in support of the claim; (b) Defendant will set forth what is expected to be proven in defense;</li> <li>2. A memorandum of supporting law with citations of authorities. This is to include all the law applicable to the case with emphasis on special legal issues, including any and all matters that may be the subject of a motion <i>in limine</i>. All pertinent citations will be fully briefed.</li> <li>3. A statement as to probable length of trial.</li> </ol> Any additional matter which counsel feel will aid the Court in the disposition and/or trial of the action.	February 27, 2019
Final pretrial conference and hearing on motions <i>in limine</i> . <sup>7</sup>	March 6, 2019
Trial begins.	March 11, 2019

IT IS SO ORDERED.

  
 William E. Smith  
 Chief Judge  
 Date: January 24, 2017

<sup>7</sup> At least one representative of each party with full settlement authority must attend the final pretrial conference.